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11	Attorneys for Defendants
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12	UNITED STATES DISTRICT COURT
13	DISTRICT OF NEVADA
14	ERLING OLMERO LOPEZ POLANCO,)
15) Case No. 2:15-cv-01234-JCM-VCF Plaintiff,
)
16	v.)
17	LORETTA E. LYNCH, et al.,
18	Defendants.
19 [DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME
20	TO FILE CROSS-MOTION FOR SUMMARY JUDGMENT AND ORDER
21	
22	(First Request)
	Defendants, by and through their attorneys, request a thirty-day extension of time to file a cross-
23	motion for summary and response to Plaintiff's motion for summary judgment. In support of this motion,
24	
25	Defendants state as follows:
26	

- 1. Plaintiff filed the above-caption Complaint, (ECF No. 1), seeking review under the Administrative Procedure Act of U.S. Citizenship and Immigration Services' ("USCIS") denial of Plaintiff's Petition for U Nonimmigrant Status. Dkt. No. 1.
 - 2. On September 30, 2015, Defendants filed an answer to the Complaint. Dkt. No. 11.
- 3. On November 13, 2015, the parties filed a proposed discovery plan and scheduling order, Dkt. No. 23, which the Court granted the same day, Dkt. No. 24.
 - 4. The scheduling order included the following schedule for the case:

Deadline for Certified Administrative Record: December 14, 2015

Deadline for Plaintiff's Motion for Summary Judgment: January 12, 2016

Deadline for Defendants' Cross-Motion for Summary Judgment: February 2, 2016

Deadline for Plaintiff's Opposition Brief and Reply Brief: February 16, 2016

Deadline for Defendants' Reply Brief: March 1, 2016

- 5. On December 14, 2015, Defendants provided the Certified Administrative Record to Plaintiff, and on January 12, 2016, Plaintiff filed a Motion for Summary Judgment, Dkt. No. 17.
- 6. Counsel for Defendants needs the additional time due to the inclement weather in Washington, D.C., and other deadlines that have made him unable to complete Defendants' Cross-Motion for Summary Judgment by the deadline. On January 22, 2016, the federal government, including the Office of Immigration Litigation at the U.S. Department of Justice, in Washington, D.C., closed at noon due to a winter blizzard, and did not re-open until noon on January 27, 2016. Counsel for Defendants had and will have conflicting deadlines in other cases, including: (1) deadlines in *Fernandez v. Kerry*, No. 14-cv-88 (S.D. Tex.) of a pretrial order and supporting documents filed January 21, 2016; a Motion in Limine filed January 29, 2016; and preparation for the docket call for trial in Brownsville, Texas, on February 4, 2016; (2) a motion for summary judgment due in *Maina v. Lynch*, No. 15-cv-113 (S.D. Ind.) by February 1, 2016; and (3) preparation for an oral argument in the U.S. Court of Appeals for the Ninth Circuit on February 8, 2016, in *United States v. Zhou*, No. 14-55027.

1	7. On January 28, 2016, undersigned counsel conferred with Seth Reszko, counsel for
2	Plaintiff, and Mr. Reszko indicated that Plaintiff does not oppose this motion.
3	8. This is the first request by Defendants to extend their deadline to file a cross-motion for
4	summary judgment. The request is not made for purposes of delay, and will not prejudice Plaintiff.
5	Therefore, Defendants respectfully request the Court to extend by thirty days their deadline to file
6	a Cross-Motion for Summary Judgment and amend the Scheduling Order for this case as follows:
7	Deadline for Defendants' Cross-Motion for Summary Judgment: March 3, 2016
8	Deadline for Plaintiff's Opposition Brief and Reply Brief: March 17, 2016
9	Deadline for Defendants' Reply Brief: March 31, 2016
10	
11	Respectfully submitted this 29th day of January 2016.
12 13 14	DANIEL G. BOGDEN United States Attorney KRYSTAL J. ROSSE Assistant United States Attorney STroy D. Liggett TROY D. LIGGETT Trial Attorney FL Bar No. 0086788 District Court Section
15 16 17	Office of Immigration Litigation Civil Division U.S. Department of Justice P.O. Box 868, Ben Franklin Station WILLIAM C. PEACHEY Director Washington, DC 20044 (202) 532-4765; (202) 305-7000 (fax)
18 19	CHRISTOPHER W. DEMPSEY Assistant Director Attorneys for Defendants
20	
21	IT IS SO ORDERED:
22	
23	Xellus C. Mahan
24	UNITED STATES DISTRICT JUDGE
25	
26	DATE: February 9, 2016

1 **PROOF OF SERVICE** I, Troy D. Liggett, certify that the following person was served with a copy of **DEFENDANTS**' 2 UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE CROSS-MOTION FOR 3 **SUMMARY JUDGMENT** on the date, and via the method of service, stated below: 4 5 **CM/ECF Notice** 6 Seth L. Reszko 7 Reza Athari & Associates, PLLC 3365 Pepper Lane 8 Suite 102 Las Vegas, NV 89120 9 702-727-7777 atharilaw@earthlink.net 10 Attorney for Plaintiff 11 12 Dated this 29th day of January 2016. 13 <u>/s/ Troy D. Liggett</u> TROY D. LIGGETT 14 Trial Attorney District Court Section 15 Office of Immigration Litigation 16 U.S. Department of Justice 17 18 19 20 21 22 23 24 25

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